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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,811	07/31/2001	Joe N. Brown	AUS9200010367US1	4467

7590 08/13/2003
Kelly K. Kordzik
5400 Renaissance Tower
1201 Elm Street
Dallas, TX 75270

EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 08/13/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,811

Applicant(s)

BROWN ET AL.

Examiner

Jean B Fleurantin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the Application filed on July 31, 2001.
2. Claims 1-35 are presented for examination.

Drawings

3. The Examiner accepts the drawings.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-15 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rios
Diagnostics Open Architecture – 12/1990 (“RDOA”).

As per claims 14 and 21, RDOA teaches a method for managing dynamic resource reassignment within a system as claimed comprises the steps of determining first missing resources that are missing because of reassignment within said system (thus, system indicates whether system checkout or option checkout was chosen, dmode indicates the mode of operation diagnostics testing, error log analysis, missing device diagnostics, the date from which the error log should be scanned; which is equivalent to determining first missing resources that are missing because of reassignment within said system)(see page 2, lines 10-13); and

updating a missing resource List by deleting any of said first missing resources which are included in said missing resource List (thus, the following information is repeated per part that needs to be replaced, DB indicate whether the part that is named is presented in device database;

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which is readable as updating a missing resource List by deleting any of said first missing resources which are included in said missing resource List)(see page 2, lines 34-36).

As per claims 15 and 22, RDOA teaches the method as claimed, tagging said first missing resources in a system error log which are missing because of reassignment, (see page 2, lines 10-13).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 9, 11, 16-17, 23-24 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rios Diagnostics Open Architecture – 12/1990 (“RDOA”).

As per claims 1 and 5, RDOA teaches a method for managing dynamic resource reassignment within a system as claimed comprises the steps of tagging first missing resources in a system error log which are missing because of reassignment (thus, system indicates whether system checkout or option checkout was chosen, dmode indicates the mode of operation diagnostics testing, error log analysis, missing device diagnostics, the date from which the error log should be scanned; which is equivalent to tagging first missing resources in a system error log which are missing because of reassignment)(see page 2, lines 10-13);

updating said missing resource List by deleting any of said tagged first missing resources which are included in said missing resource List as second missing resources (thus, the following information is repeated per part that needs to be replaced, DB indicate whether the part that is

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named is presented in device database; which is readable as updating said missing resource List by deleting any of said tagged first missing resources which are included in said missing resource List as second missing resources)(see page 2, lines 34-36); and

executing a missing resource options procedure on missing resources in said updated missing resource List (thus, this method of naming parts to be replaced reduces the number of parts that need to be replaced on the average; which is equivalent to executing a missing resource options procedure on missing resources in said updated missing resource List)(see page 2, lines 28-38). But, RDOA does not explicitly indicate querying a configuration database in said system for resources identified as missing resources and adding said missing resources to a missing resource List as second missing resources. However, RDOA implicitly indicates the former identifies the parts that need to be replaced and the latter provides solutions which can be performed without replacing parts; which is readable as querying a configuration database in said system for resources identified as missing resources and adding said missing resources to a missing resource List as second missing resources, (page 2, lines 7-8). It would have been obvious to a person of ordinary skill in the art to modify the teaching of RDOA with querying a configuration database in said system for resources identified as missing resources and adding said missing resources to a missing resource List as second missing resources. This modification would allow the teachings of RDOA to provide a simple structure for diagnosing the system, (see page 2, lines 43-44).

As per claims 9 and 28, in addition to the discussion in claim 1, RDOA further teaches a central processing unit (CPU), (see page 1, line 2);

a random access memory (RAM), (see page 1, line 4);

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a read only memory (ROM), (see page 1, lines 4-5);

an I/O adapter, (see page 1, line 4).

As per claim 11, the limitations of claim 11 are rejected in the analysis of claim 9, and this claim is rejected on that basis.

As per claims 16-17, 23-24 and 30-31, RDOA teaches the claimed subject matter except generating said missing resource List by querying a configuration database in said system for resources identified as missing resources and adding said missing resources to said missing resource List. However, RDOA teaches the former identifies the parts that need to be replaced and the latter provides solutions which can be performed without replacing parts; which is readable as querying a configuration database in said system for resources identified as missing resources and adding said missing resources to said missing resource List, (page 2, lines 7-8). It would have been obvious to a person of ordinary skill in the art to modify the teaching of RDOA with querying a configuration database. This modification would allow the teachings of RDOA to provide a simple structure for diagnosing the system, (see page 2, lines 43-44).

As per claim 29, RDOA teaches the method as claimed, tagging said first missing resources in a system error log which are missing because of reassignment, (see page 2, lines 10-13).

6. Claims 2-4, 6-8, 10, 12-13 and 18-20, 25-27 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rios Diagnostics Open Architecture – 12/1990 in view of Recovery from Single Critical Hardware Resource Unavailability – 8/1993 (“RDOA”), RSCHRU.

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As per claims 2-4, 6-8, 10, 12-13 and 18-20, 25-27 and 32-35, RDOA teaches the claimed subject matter except wherein said dynamic resource reassignment occurs logical partitions (LPAR) of a said system. However, RSCHRU teaches a logically portioned (LPAR) mode, see page 1, lines 1-6. It would have been obvious to a person of ordinary skill in the art to modify the teachings of RDOA and RSCHRU with logical partition. This modification would allow the teachings of RDOA and RSCHRU to improve the reliability of the method for dynamically allocating a device in an LRAR system.

Prior Art

7. The prior art of record and not relied on upon is considered pertinent to applicant's disclosure. Hefferon et al. U.S. Patent No. 5,659,756 relates to logically partitioned data processing system.

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Contact Information

8. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mrs. KIM VU can be reached at (703) 305-8449. The FAX phone numbers for the Group 2100 Customer Service Center are: *After Final* (703) 746-7238, *Official* (703) 746-7239, and *Non-Official* (703) 746-7240. NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "***DRAFT***".

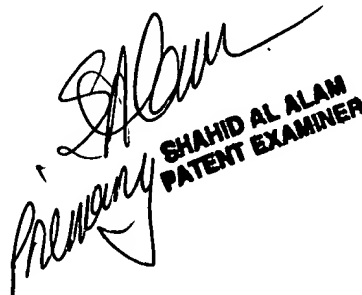
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2100 Customer Service Center receptionist whose telephone numbers are (703) 306-5631, (703) 306-5632, (703) 306-5633.



Jean Bolte Fleurantin

August 5, 2003

JBF/



SHAHID AL ALAM
PATENT EXAMINER